IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Contempt Petition No. 72 of 2007
in
Notice of Motion No.711 of 2006
in
Writ Petition No.1625 of 2005

Dinesh Agarwal ..Petitioner

vs.

1. State of Maharashtra
and others ..Respondents

Mr.S.A.Sawant for petitioner
Mr.Ravi Kadam, Advocate General i/b
Mr.G.W.Mattows, A.G.P. for respondent nos. 1 to 4.

CORAM: S.C.DHARMADHIKARI J
5th September,2007

P.C.

1. After the contempt petition was filed the petitioner received a communication dated 20th June, 2007 from the Desk Officer, Ministry of Housing, Mantralaya, Mumbai informing him that his representation has been considered but for the reasons assigned in the said letter the Government is unable to accede to his request.

2. Mr.Sawant, learned Counsel has placed the copy of the said communication on record. However, his contention is that the representation was to be considered within the specified time period and that having not been done so also no explanation for the delay has been furnished, appropriate

action be taken against the concerned officers.

3. The learned Advocate General points out that the order directs consideration of the representation preferably within a period of 8 weeks.

4. Without entering into the larger controversy as to whether the said order amounts to direction to decide the matter and pass orders within stipulated period or by the words "as expeditiously as possible and preferably within a period of eight weeks from today" would mean that an attempt has merely to be made to do so since the order has been passed rightly or wrongly, the remedy of the petitioner is not to institute a contempt petition but substantive petition to challenge the Government’s action. Petition is dismissed. No costs.

(S.C.DHARMADHIKARI J.)